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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,612	06/30/2000	Dhananjay V. Keskar	219.38424X00	9430

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 08/20/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/608,612

Applicant(s)

KESKAR ET AL.

Examiner

Tony Mahmoudi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Remarks*

1. In response to communications filed on 20-June-2003, claim 1 is amended per applicant's request. Claims 1-22 are pending in the application.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1, 3, 8-9, 11, 16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Knight et al (U.S. Patent No. 6,493,703.)

As to claim 1, Knight et al teaches a method (see column 4, lines 63-65) of automatically finding and organizing items similar to example items provided by a user in a computer system (see Abstract), the method comprising:

providing related (see column 6, lines 53-59), not related (see column 6, lines 49-52, where “information falling into different categories” implies classifying unrelated subjects), and suggestions group areas (see column 26, lines 9-19) for an organization instance, each of these group areas to contain one or more items (see column 26, lines 19-27);

receiving at least one example item for the organization instance provided by a user (see column 22, line 66 through column 23, line 12), the at least one example item being placed in the related group area (see “user posting interface routine” in column 23, line 1);

searching a database (see column 10, lines 15-19) to locate at least one item which is related to at least one item in the related group area based on a predetermined criterion and placing located items in the suggestions group area (see column 10, lines 19-23, where “predetermined criterion” is read on “user filtering criteria”);

modifying the predetermined criterion based on at least one of the user providing at least one additional example item and the user moving an item from one of the group areas to another of the group areas (see column 6, lines 34-39, and see column 7, lines 7-17); and

continually searching the database to locate and place additional items in the suggestions group area which are related to the at least one item in the related group area based upon the modified predetermined criterion (see column 15, lines 19-48.)

As to claims 3, 11, and 18, Knight et al teaches the method further comprising providing a user interface (see column 6, lines 26-39) including visual representations of the related, not related, and suggestions group areas (see column 7, lines 50-53), each visual representation of an area including a visual representation of items contained therein (see figures 3B and 3C.)

As to claims 8 and 16, Knight et al teaches the method further comprising providing related (see column 6, lines 53-59), not related (see column 6, lines 49-52, where “information falling into different categories” implies classifying unrelated subjects), and suggestions group areas (see column 26, lines 9-19) for at least another organization instance and further comprising modifying the predetermined criterion (see column 10, lines 19-23, where “predetermined criterion” is read on “user filtering criteria”), based on the user moving an item from the related group area of the another organization instance to the not related group area of the one organization instance or from the not related group area of the at least one other organization instance to the related group area of the one organization instance or from the suggestions group area of the another organization instance to the related or not related group areas of the one organization instance (see column 6, lines 34-39, and see column 7, lines 7-17.)

As to claim 9, Knight et al teaches a storage medium (see column 10, lines 40-41) to store a computer program (see column 6, lines 40-46, and see column 8, line 66 through

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column 9, line 2) for automatically finding and organizing items similar to example items that, when executed by a machine (see Abstract), resulting in the following:

For the remaining steps of claim 9, applicant is directed to comments and discussions made in claim 1 above.

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 10, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al (U.S. patent No. 6,493,703) in view of Zhai (U.S. Patent No. 6,463,434.)

As to claims 2 and 10, Knight et al teaches predetermined criterion (see column 10, lines 19-23, where “predetermined criterion” is read on “user filtering criteria”).

Knight et al does not teach assigning a normalized relevance score for each item based on each item's relevance to the at least one item in the related group area and wherein located items having a relevance score greater than a predetermined threshold are placed in the suggestions group area.

Zhai teaches a method for profile score threshold setting (see Abstract), in which he teaches assigning a normalized relevance score for each item based on each item's relevance to the at least one item in the related group area (see column 2, lines 55-62) and wherein

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located items having a relevance score greater than a predetermined threshold are placed in the suggestions group area (see column 4, lines 25-32.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Knight et al to include assigning a normalized relevance score for each item based on each item's relevance to the at least one item in the related group area and wherein located items having a relevance score greater than a predetermined threshold are placed in the suggestions group area.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Knight et al by the teachings of Zhai, because assigning a normalized relevance score for each item based on each item's relevance to the at least one item in the related group area and wherein located items having a relevance score greater than a predetermined threshold are placed in the suggestions group area, would enable the system to measure relevancy of data elements and group the data elements into various categories based on their relevance score, for an effective and fast retrieval of information categories based on their relevance to the "example" data entered by the user.

As to claim 17, applicant is directed to comments and discussions made in claims 1, 2, and 8 above.

6. Claims 4-6, 12-14, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al (U.S. patent No. 6,493,703) in view of Geary (U.S. Patent No. 6,070,160.)

As to claims 4, 12, and 19 Knight et al does not teach wherein the user selectively moves an item from one group area to another group area via the user interface by moving a visual representation of the item from a visual representation of the one group area to a visual representation of the another group area.

Geary teaches an apparatus and method for searching non-linear databases (see Abstract), in which he teaches wherein the user selectively moves an item from one group area to another group area via the user interface by moving a visual representation of the item from a visual representation of the one group area to a visual representation of the another group area (see column 42, lines 36-48, where “moving” is read on “dragging”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Knight et al to include wherein the user selectively moves an item from one group area to another group area via the user interface by moving a visual representation of the item from a visual representation of the one group area to a visual representation of the another group area.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Knight et al by the teaching of Geary, because the user selectively moving an item from one group area to another group area via the user interface by moving a visual representation of the item from a visual representation of the one group area to a visual representation of the another group area, would enable the user to physically categorize his/her selections into a desired category, based on the relevance factors of subject matters, and via the graphical user interface.



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As to claims 5, 13, and 20, Knight et al as modified teaches wherein the user interface comprises a graphical user interface (see Knight et al, column 7, lines 46-48) and the visual representations of the group areas each comprises a pane on a display (see Knight et al, column 11, lines 21-31, where “a pane on a display” is read on “separate screen display area”.)

As to claims 6, 14, and 21 Knight et al as modified teaches wherein the user selectively moves an item from one group area to another group area via the user interface (see Knight et al, column 7, lines 46-48) by dragging a visual representation of the item from a pane of the one group area to a pane of the another group area (see Geary, column 42, lines 36-48.)

7. Claims 7, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knight et al (U.S. patent No. 6,493,703) in view of Pickering et al (U.S. Patent No. 6,493,695.)

As to claims 7, 15, and 22, Knight et al does not teach wherein each of the items indicates one of a file, an email, and a mail item such as a task, a note, contact information and a web page.

Pickering et al teaches a method for routing customer interactions across media types (see Abstract), in which he teaches wherein each of the items indicates one of a file, an email, and a mail item such as a task, a note, contact information and a web page (see column 3, lines 37-53.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Knight et al to include wherein each of the items indicates one of a file, an email, and a mail item, such as a task, a note, contact information and a web page.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Knight et al by the teaching of Pickering et al, because wherein each of the items indicates one of a file, an email, and a mail item such as a task, a note, contact information and a web page, enables the system to maintain compatibility with a variety of data types and be able to extract relevant data from different data sources, as offered by present technology.

#### *Response to Arguments*

8. Applicant's arguments filed on 20-June-2003 with respect to the cited references have been fully considered but they are not found to be persuasive:

In response to the applicants' arguments that "Knight '703 does not 'automatically find and organize data items similar to example items provided by a user' in the manner described in applicants' disclosed invention", the arguments have been fully considered but are not found to be persuasive, because Knight et al does teach "automatically adjusting content retrieval, storage, and presentation, in response to changing community interests, desires, and the like" (see Abstract, and see column 10, lines 38-39, where "automatically find and organize data items similar to example items provided by a user" is read on "further define and automatically create content subject matter areas that are of interest to such users").

In response to applicants' arguments that "there is no provision anywhere in the online data service system of Knight '703 for the three different group areas, i.e., related group area, not related group area, and suggestions group area for an organization instance", the arguments have been fully considered but are not found to be persuasive, because Knight et al teaches "three different group areas" (see column 6, lines 49-59, where "related group" is read on "parameters logically related" and "not related group" and "suggestion group" is read on "one or more categories". Also see column 25, lines 44-51.)

In response to applicants' arguments that "there is no disclosure any 'modifying a predetermined criterion based on the user providing at least one additional data item and moving data item from one group into another group area, so that the database is continually searched and additional data items in the suggested group areas can be located and then placed in the related area", the arguments have been fully considered but are not found to be persuasive (see Knight et al, column 9, lines 35-39, where "modifying criterion" is read on "rules, filters, or criteria specified by the online provider"; see column 11, line 66 through column 12, line 1, where "continual search" is read on "continual review of retrieved messages"; and see Abstract, where "locating and placing" is read on "locating", "retrieving", and "organizing" items.)

In response to applicants' arguments that "there is no teaching or suggestion anywhere in Zhai '434' of applicants' claimed "assigning a normalized relevance score for each

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item....and items having a relevance score higher than a predetermined threshold are placed in suggestion group area”, the arguments have been fully considered but are not found to be persuasive (see Zhai, Abstract, where “assigning relevance scores” is read on “each position at the ranked list corresponds to a candidate score threshold as well as a utility value computed based on the relevance status of the example documents”; and see column 5, lines 20-36, where “relevance scores” and “thresholds” are taught.

In response to applicants’ arguments that “obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the combination”, the arguments have been fully considered but they are not found to be persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner is establishing obviousness in the knowledge generally available to one of ordinary skill in the art, to modify the invention of Knight et al by the teachings of Zhai, because assigning relevance scores to items and categorizing them based on the score levels, would produce faster and more efficient results in user searches based on the desired user criteria.

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In response to applicants' arguments that "the examiner has improperly used applicants' disclosure as an instruction book on how to reconstruct the prior art to arrive at applicants' claimed invention", the arguments have been fully considered but are not found to be persuasive, because it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicants' argument that "Geary '160 does not disclose receiving at least one example item for the organization instance provided by the user", and that "Geary '160 does not disclose different group areas for an organization instance", the arguments have been fully considered but are not found to be persuasive because the primary reference, Knight et al teaches these recitations as explained above and in the previous office action.

### *Conclusion*

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until

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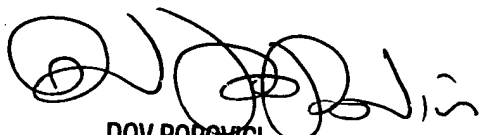
after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

tm

August 11, 2003

  
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SUPERVISORY PATENT EXAMINER  
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